

Message Text

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ACTION EUR-25

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R 031555Z JUN 74

FM AMEMBASSY MADRID

TO USCINCEUR/ECJ5

INFO SECSTATE WASHDC 9045

.USMNR SHAPE BRUSSELS

JUSMAAG MADRID

COMNAVACTS ROTA

16TH AF TORREJON

C O N F I D E N T I A L SECTION 1 OF 3 MADRID 3406

STATE PASS AMBASSADOR RIVERO

E.O. 11652: GDS

TAGS: MARR, SP

SUBJ: 18 JUNE 1974 U.S.-SPANISH JOINT COMMITTEE MEETING

STATE PASS AMBASSADOR RIVERO

1. THIS MESSAGE PROVIDES INFORMATION ON U.S. PROPOSED
AGENDA ITEMS AND POSITION PAPERS AS WELL AS AN AGENDA
ITEM WHICH MAY BE PROPOSED BY THE SPANISH FOR THE 18 JUNE
1974 JOINT COMMITTEE MEETING IN MADRID.

A. ITEM 1 SHOULD BE CUSTOMARY STATUS REPORT ON EQUIP-
MENT DELIVERIES TO THE SPANISH UNDER AGREEMENT BROKEN DOWN
INTO 4 PARAGRAPHS: PARAGRAPH 1 WOULD LIST PURCHASES THROUGH
EXIMBANK CREDITS; PARA 2 WOULD INCLUDE GRANT AID;
PARA 3 WOULD ADDRESS SHIP LOANS; PARA 4 WOULD
DISCUSS AIR CONTROL AND WARNING NET.

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B. ITEM 2 WOULD BE THE UPDATED STATUS REPORT OF

SPANISH EXIMBANK CREDITS.

C. ITEM 3 WOULD REPORT THE CURRENT STATUS OF THE JOINT COMPATIBILITY PLAN (ANNUAL PLAN) CITING THE FORMATION OF THE SUB-COMMITTEES OF THE PERMANENT SECRETARIAT AND RECOMMENDATIONS PROVIDED BY THEM TO THE PERMANENT SECRETARIAT TO IMPLEMENT ACTIONS IN THE FIVE AREAS APPROVED FOR STUDY BY THE JOINT COMMITTEE AT THE 31 OCTOBER 1973 MEETING.

D. ITEM 4 WOULD AGAIN ATTEMPT TO RESOLVE THE ISSUE OF G-3 TARIFF PAYMENTS WHICH THE SPANISH INSIST MUST BE PAID. U.S. PRESENTED NEW SUPPORTING INFORMATION TO SPANISH IN A PERMANENT SECRETARIAT MEMORANDUM ON 30 MAY 1974.

E. ITEM 5 WOULD RAISE THE ISSUE OF LONG DELAYED PROCESSING BY SPANISH OF COURT CASES INVOLVING US PERSONNEL IN THE AREA OF FOREIGN CRIMINAL JURISDICTION.

F. ITEM 6 IS A POSSIBLE SPANISH RECOMMENDED AGENDA ITEM RAISING THE ISSUE OF ALLEGED AIRSPACE VIOLATIONS BY USAF AND SIXTH FLEET AIRCRAFT. SPANISH AIR MINISTER PRESENTED TO FOREIGN MINISTER A STATEMENT OF ALLEGED AIRSPACE VIOLATIONS WHICH INCLUDED A NEAR MISS OF A KC-135 AND AN IBERIAN AIRLINE BOEING 727, AN OVERFLIGHT OF THE TALAVERA MILITARY AIRPORT BY FOUR NAVAL AIRCRAFT, AND NUMEROUS RADAR IDENTIFICATIONS OF NAVAL AIRCRAFT IN THE PALMA DE MALLORCA AREA ALLEGEDLY CROSSING AIR CORRIDORS REQUIRING DIVERSION OF CIVIL AIRCRAFT FROM FLIGHT PATHS.

2. THE FOLLOWING INFORMATION PROVIDES TENTATIVE U.S. POSITION PAPERS FOR IDENTIFIED AGENDA ITEMS.

A. AGENDA ITEM 1. STATUS OF UNDELIVERED MILITARY EQUIPMENT.

SUMMARY

STATUS OF UNDELIVERED MILITARY EQUIPMENT AND SHIPS WHICH THE SPANISH GOVERNMENT SHOULD RECEIVE CHARGED AGAINST EXIMBANK CREDITS, GRANT AID AND LOANS. AC&W MODERNIZATION
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IS INCLUDED.

RECOMMENDATION

THE JOINT COMMITTEE BE ADVISED OF THE STATUS OF UNDELIVERED MILITARY EQUIPMENT AND PROGRESS AS COVERED IN TABS A, B, C AND D.

4. INCLS

TAB A - MILITARY EQUIPMENT APPLIED AGAINST EXIMBANK CREDITS

TAB B - MILITARY EQUIPMENT ACQUIRED THROUGH GRANT AID

TAB C - SHIP LOANS

TAB D - MILITARY EQUIPMENT ACQUIRED FOR MODERNIZATION OF
AIR CRAFT CONTROL AND WARNING NET

A. MILITARY EQUIPMENT APPLIED AGAINST EXIMBANK CREDITS

STATUS

ARMY

SPANISH FOREIGN MINISTER'S 29 JAN 71 LETTER IDENTIFIED

\$27.1 MILLION DOLLARS FOR SPANISH ARMY TERRITORIAL COMMAND
NET. IN APRIL 73 TCN COST REVISED TO INCLUDE SPANISH NAVY,
CONTRACTOR MAINTENANCE, AND MESSAGE SWITCHES. MAP WILL BE
\$4.5M, UP TO \$10.0M NON-CONVERTIBLE PESETAS AND THE REST
EXIMBANK. ANY ADDITIONAL FUNDS REQUIRED WILL HAVE TO BE
PROVIDED BY GOS. MATERIEL FOR TRAINING OF TCN TECHNICIANS
IN SPAIN HAS ARRIVED.

NAVY

FOR THE PURCHASE OF FOUR SH3D HELICOPTERS \$11.1 MILLION
DOLLARS WERE IDENTIFIED.

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NO MAJOR ITEMS REMAINING TO BE DELIVERED.

FACTS

ARMY

THE SPANISH ARMY ACCEPTED LOA FOR TCN ON 5 MAY 72 WITH
ESTIMATED PROJECT COMPLETION OF OCTOBER 76. DUE TO LATE
IDENTIFICATION OF SPANISH ARMY AND NAVY REQUIREMENTS,
CONTRACT AWARD WAS MADE ON 15 APRIL 74 AND PORTIONS OF THE
SYSTEM WILL BE AVAILABLE FOR SPANISH USE A YEAR BEFORE FINAL
SYSTEM TURNOVER.

NAVY

DELIVERY DATE OF SH3D HELICOPTERS HAS SLIPPED TO A CURRENTLY
UNDETERMINED DATE. EXCESSIVE VIBRATION WAS EXPERIENCED
DURING FLIGHT TEST OF THREE OF THE HELICOPTERS AND THEY ARE
CURRENTLY UNDER ENGINEERING STUDY. SPANISH NAVY WILL BE
KEPT ADVISED AS SOON AS A NEW DELIVERY DATE CAN BE ESTABLISHED.

AIR FORCE

BACKGROUND ON P-3A SPARES AND TEST BENCHES AS FOLLOWS:
DELIVERY IS PROCEEDING NORMALLY. THE LATEST SCAN AS OF
3 MAY 74 REFLECTS 23 ITEMS OF AVIONICS TEST EQUIPMENT FOR
A DOLLAR VALUE OF \$555,964.00 HAVE NOT YET BEEN RECEIVED.
ACCORDING TO THE ESTIMATED SHIPPING DATES 15 OF THE 23
ITEMS SHOULD BE IN THE HANDS OF THE FREIGHT FORWARDER.

B. MILITARY EQUIPMENT ACQUIRED THROUGH GRANT AID

STATUS - THE PRESENT DELIVERY SCHEDULE FOR MAJOR END ITEMS
INCLUDED IN THE 6 AUGUST 1970 EXCHANGE OF NOTES AND THE
9 MARCH 1972 AMENDMENT THERETO IS PROGRESSING AS PLANNED,
WITH THE EXCEPTION OF THE M88 RECOVERY VEHICLES WHICH ARE
BEING REPLACED WITH 16 EACH M113A1 ARMORED PERSONNEL
CARRIERS (APC). DELIVERY SCHEDULE IS AT (1).

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INFO OCT-01 ISO-00 EB-11 IGA-02 XMB-07 TRSE-00 OMB-01

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INFO SECSTATE WASHDC 9046

USMNR SHAPE BRUSSELS

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COMNAVACTS ROTA

16TH AF TORREJON

C O N F I D E N T I A L SECTION 2 OF 3 MADRID 3406

STATE PASS AMBASSADOR RIVERO

E.O. 11652: GDS

TAGS: MARR SP

SUBJ: 18 JUNE 1974 U.S.-SPANISH JOINT COMMITTEE MEETING

FACTS

DEPARTMENT OF THE ARMY IS MAKING EVERY REASONABLE EFFORT

TO SHIP THE BULK OF REMAINING ITEMS (LESS THE 16 EACH
M113A1 APCS) PRIOR TO 30 JUNE 1974.

(1) DELIVERY SCHEDULE

SOURCE: BASIC AGREEMENT

ITEM	DATE AVAILABLE FOR SHIPMENT
------	-----------------------------

12 EA M109A1 155 MM SP	SEE NOTE 1
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HOWITZER

8 EA UH-1H HELICOPTER	TO BE SHIPPED ON SS JOSEPH LYKES, ETA ROTA, SPAIN ON
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20 JUNE 74 WEATHER PERMITTING.

SOUJWE: AMENDMENT

ITEM	DATE AVAILABLE FOR SHIPMENT
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3 EA M113A1 APC	SEE NOTE 1
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24 EA M548A1 CARGO CARRIER	SEE NOTE 1
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1 EA 5 TON TRUCK WRECKER	SEE NOTE 1
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175 MM MUNITIONS	BULK OF AMMUNITION REQUESTED WILL BE AVAILABLE JUNE 74. SEE NOTE 1
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16 EA M113A1 APC	SEP 75 TO REPLACE M88 RE- COVERY VEH
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NOTE 1: DEPARTMENT OF ARMY
IS ATTEMPTING TO ARRANGE A
CONSOLIDATED SHIPMENT TO
INCLUDE THE ABOVE NOTED ITEMS.
TARGET DATE OF DEPARTURE FROM
US OF 15 JUNE 74 IS NOT YET
CONFIRMED.

C. SHIP LOANS

STATUS-KUHEIMS, HAS DELIVERED THE SHIPS, WITH EXCEPTION OF
AN AO, AS LISTED IN THE AGREEMENT AS O'QFIED BY THE FOREIGN
MINISTER'S 29 JAN 71 LETTER.

FACTS

OILER (AO)

3 WERE MADE AVAILABLE FOR INSPECTION IN OCT 71 BUT WERE REJECTED BY GOS AS TOO OLD AND COSTLY TO REPAIR.

USN INFORMED SN AN LST (TERREBONNE PARISH CLASS) (EX-USS WESTCHERTER COUNTY LST 1167) WAS AVAILABLE AND SN INDICATED THEY WOULD ACCEPT LST AS SUBSTITUTE FOR THE AO IF IN GOOD CONDITION.

-5 DEC 73 USS WESTCHESTER COUNTY WAS MADE AVAILABLE FOR INSPECTION IN BREMERTON, WASHINGTON. THE SHIP WAS DEACTIVATED AND IF ACCEPTED ALL REACTIVATION COSTS WOULD BE THE RESPONSIBILITY OF THE SN.

-17 DEC 73 SN INFORMED USN THAT THEY DID NOT DESIRE THE OFFERED LST. STATED TWO REASONS: (1) INACTIVATED CONDITION; (2) SN BELIEF THAT MORE AO'S WERE TO BE AVAILABLE FROM USN INVENTORY IN EARLY 74, SUPPOSEDLY IN BETTER MATERIAL CONDITION THAN THOSE PREVIOUSLY
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OFFERED TO SN.

-1 FEB 74 CNO STATED NO AO'S WERE AVAILABLE FOR OFFER TO SN, AND IN FACT NONE WOULD BE AVAILABLE BEFORE 1976. USN OFFERED NO SUBSTITUTE FOR THE AO. SPANISH WERE NOTIFIED OF AO NON-AVAILABILITY AND ASKED TO ADVISE US WHAT SHIP TYPE THEY NOW DESIRED AS POSSIBLE SUBSTITUTE.

-22 FEB 74 SN STATED THEY MIGHT BE INTERESTED IN A NON-AMPHIBIOUS TYPE TRANSPORT SHIP AS SUBSTITUTE FOR AO. FURTHER REQUESTED THEY BE ADVISED OF WHAT OTHER SHIP TYPES USN COULD OFFER AT THIS TIME AS QUID SUBSTITUTE.

-25 MAR 74 CNO NOTIFIED SPANISH THAT THE ONLY TYPE SHIPS THAT WERE AVAILABLE FOR TRANSFER WERE USS REFKIN (LKA) CLASS AND USS HASKELL (LPA) CLASS TRANSPORTS. THESE SHIPS WERE IN A DEACTIVATED STATE AND WOULD REQUIRE 1.5 TO 2.0 MILLION DOLLARS TO ACCOMPLISH A VERY AUSTERE ACTIVATION WITH NO MODERNIZATION.
-29 MAR 74 SN STATED THEY WERE NOT INTERESTED IN THE DEACTIVATED LKAS OR LPAS.

D. MILITARY EQUIPMENT ACQUIRED FOR MODERNIZATION OF AIRCRAFT CONTROL AND WARNING NET
STATUS-MODERNIZATION AND SEMIAUTOMATION OF THE SPANISH AIR FORCE AC&W NET IS PROCEEDING ON SCHEDULE. TESTING HAS BEEN COMPLETED AT MOTRIL AND SOLLER. FIVE SITES HAVE NOW BEEN COMPLETED IN THE MODERNIZATION PHASE.

FACTS:

-SEMI AUTO PACKAGE AND MICROWAVE COMM PACKAGE WERE AWARDED TO COMCO ELECTRONICS CORPORATION, A COMBINATION OF HUGHES AIRCRAFT CO. AND CECSA OF SPAIN.

-SINGLE CHANNEL GROUND/AIR/GROUND RADIOS HAVE BEEN DELIVERED TO SPAIN AND ARE BEING STORED AT GETAFE

PENDING TURNOVER TO COMCO. OEP DEVIATION #6 HAS BEEN APPROVED. MULTICHANNEL RADIOS ARE BEING PROCURED THROUGH THE SAME USAF PROGRAM AS SINGLE CHANNEL RADIOS. HIGH GAIN ANTENNAS ARE BEING PROCURED SEPARATEDLY BY

COMBAT GRANDE PROGRAM OFFICE.

-PROGRAM FUNDING AT \$58 M. SPLIT IS STILL 70/30

USAF/SAF PER AGREEMENT.

-THE SAF C-47 MADE AVAILABLE TO SUPPORT SOLLER HAS BEEN CONFIDENTIAL

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OF GREAT ASSISTANCE TO THE PROGRAM.

-FINAL DETAILS FOR PAYMENT OF THE SPANISH SHARE OF COMBAT GRANDE ARE BEING COORDINATED BETWEEN THE USAF AND SAF.

B. AGENDA ITEM 2. STATUS OF EXIMBANK PAYMENTS.
(PAPER WILL BE FORWARDED AS SOON AS POSSIBLE).

C. AGENDA TIEM3. US-SPANISH DEFENSE COMPATIBILITY

PLAN (DCP)

SUMMARY

PROBLEM- THE JOINT COMMITTEE SHALL PREPARE AND PRESENT TO BOTH GOVERNMENTS AN ANNUAL PLAN TO FACILITATE MAKING COMPATIBLE THEIR RESPECTIVE DEFENSE POLICIES IN AREAS OF MUTUAL

INTEREST PURSUANT TO CHAPTER VIII OF THE AGREEMENT OF FRIENDSHIP AND COOPERATION.

STATUS-AT THE 6 MARCH JOINT COMMITTEE MEETING PROPOSAL WAS APPROVED TO FORM JOINT SUBCOMMITTEE OF THE PERMANENT SECRETARIAT TO REVIEW AND MAKE RECOMMENDATIONS TO THE JOINT COMMITTEE REGARDING FIVE ACTIONS PLANS:

I. TRAINING

II. EXCHANGE OF INTELLIGENCE INFORMATION

III. HARMONIZATION OF LOGISTICS

IV. LIAISON BETWEEN SPANISH MILITARY AND CERTAIN US COMMANDS IN EUROPE

V. AIRCRAFT CONTROL AND WARNING

FACTS

-PS(US) MEMO #787 APPOINTED US JOINT SUBCOMMITTEE TO REPRESENT IN MATTERS REGARDING DCP. COMMITTEE CONSISTS OF THREE SERVICE SECTION CHIEFS AND PS MEMBER.

-GOS APPOINTED THREE SERVICE REPRESENTATIVES AND MEMBER OF HIGH GENERAL STAFF AS GOS MEMBERS OF JOINT SUBCOMMITTEE.

-ON 21 MAY 74 USG PRESENTED INTELLIGENCE BRIEFING TO GOS REPRESENTATIVES AT SPANISH AIR MINISTRY IN SUPPORT OF ACTION PLAN II.

-ON 22 MAY 74 THE JOINT SUBCOMMITTEE HAD FIRST MEETING- DISCUSSED HOW IT WOULD FUNCTION AND LAID GROUND WORK FOR FORMULATING AGENDA ITEMS.

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C O N F I D E N T I A L SECTION 3 OF 3 MADRID 3406

STATE PASS AMBASSADOR RIVERO

E.O. 11652 GDS

TAGS/ MARR, SP

SUBJ: 18 JUNE 1974 U.S.- SPANISH JOINT COMMITTEE MEETING

OBSERVATION

THE INITIAL MEETING OF THE JOINT SUBCOMMITTEE WERE CONDUCTED
IN AN ATMOSPHERE OF CORDIALITY AND CANDOR. A POSITIVE AND
COOPERATIVE ATTITUDE TO THE SUBCOMMITTEE WORK WAS IN EVIDENCE.

RECOMMENDATION

THAT JOINT SUBCOMMITTEE CONTINUE TO EXPLORE AVENUES FOR THE
IMPLEMENTATION OF THE DEFENSE COMPATIBILITY PLAN.

D. AGENDA ITEM 4, EXEMPTION FROM G-3 TARIFF

SUMMARY

PROBLEM- TO SEEK EXEMPTION UNDER THE TAX RELIEF ANNEX FROM
APPLICATION OF THE G-3 TARIFF TO CARGO IMPORTED INTO SPAIN

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FOR THE USE OF THE UNITED STATES FORCES SERVING THERE UNDER THE AGREEMENT OF FRIENDSHIP AND COOPERATION. STATUS- REPRESENTATIVES OF BOTH GOVERNMENTS MET IN MADRID IN APRIL TO DISCUSS THIS ISSUE BUT WERE UNABLE TO REACH AGREEMENT, CONCLUDING THAT THE MATTER SHOULD BE REFERRED TO THE JOINT COMMITTEE FOR A FINAL DECISION BASED UPON THE REPORTS OF BOTH SIDES PREPARED SUBSEQUENT TO THE APRIL MEETINGS. THE US REPORT IS ATTACHED AT TAB A. (TAB A NOT INCLUDED IN THIS MESSAGE)

FACTS

THE UNITED STATES IS, BY THE TERMS OF THE TAX RELIEF ANNEX, GRANTED THE BROADEST SORT OF EXEMPTION FROM CHARGES RELATED TO ITS COMMON DEFENSE.

-THE ANNEX EXEMPTS THE US NOT ONLY FROM "TAXES" BUT ALSO FROM "CHARGES" OF ANY NATURE... BY OR FOR THE BENEFIT OF THE SPANISH GOVERNMENT... OR QUASI-GOVERNMENTAL ORGANIZATIONS."

- THE ONLY EXCEPTION IS FOR PAYMENT "FOR SERVICES REQUESTED AND RECEIVED."

-PORT AUTHORITIES ARE QUASI-GOVERNMENTAL ORGANIZATIONS. THE PAST PRACTICE OF SPAIN CLEARLY SHOWS THAT IT WAS THEIR UNDERSTANDING THAT THE US IS EXEMPT FROM THE G-3 TARIFF.

-THE G-3 REPLACES AND IS IDENTICAL TO THE TARIFA MUELLAJE III FROM WHICH THE US WAS GRANTED EXEMPTION.

THE G-3 IS NOT A CHARGE FOR A SERVICE REQUESTED AND RECEIVED WITHIN THE MEANING OF THE TAX RELIEF ANNEX.

-THE DISTINCTION BETWEEN GENERAL AND SPECIFIC SERVICES WAS PREVIOUSLY RECOGNIZED BY THE FINANCE MINISTRY IN RELATION TO THE TAX RELIEF ANNEX.

THE FAILURE OF THE G-3 LAW TO EXEMPT THE US FORCES, OR THE INABILITY OF THE FINANCE MINISTRY UNDER DOMESTIC LAW TO EXEMPT THE US FROM THE TARIFF, ARE NOT JUSTIFICATIONS FOR SPAIN TO FAIL TO FULFILL ITS LEGAL OBLIGATION UNDER THE AGREEMENT AND THE TAX RELIEF ANNEX, SINCE THE RESULT WOULD BE A UNILATERAL MODIFICATION OF A BILATERAL AGREEMENT TO THE EFFECT THAT THE ANNEX WOULD REMAIN IN FORCE UNTIL BILATERALLY CHANGED.

RECOMMENDATION

THAT THE GOVERNMENT OF SPAIN BE URGED TO TAKE THE NECESSARY STEPS TO EXEMPT ACTIVITIES OF THE US FORCES IN SPAIN FROM

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THE APPLICATION OF THE G-3 TARIFF.

E. AGENDA ITEM 5. FOREIGN CRIMINAL JURISDICTION.

SUMMARY

PROBLEM- TO OBTAIN PROMPT PROCESSING BY SPANISH COURTS

OF CASES INVOLVING US PERSONNEL IN SPAIN.

STATUS- PROCESSING DELAYS HAVE BEEN THE SUBJECT, SINCE 1971, OF DISCUSSIONS, CORRESPONDENCE AND MEMORANDA WITHIN THE PERMANENT SECRETARIAT, BETWEEN THE AMBASSADOR AND THE FOREIGN MINISTER. SPANISH AUTHORITIES HAVE REPEATEDLY ASSURED THE US THAT ATTENTION WAS BEING GIVEN TO THE PROBLEM, BUT EXCEPT FOR A LIMITED INCREASE IN ACTIVITY DURING APRIL 1974 WHEN SEVERAL CASES WERE CLOSED AND A FEW TRIALS HELD, NO OBSERVABLE RELIEF HAS BEEN OBTAINED AND THE SITUATION REMAINS CRITICAL AND UNACCEPTABLE.

FACTS

GENERALLY, CASES TAKE SEVERAL MONTHS TO REACH A JURISDICTIONAL DECISION, AND WHEN JURISDICTION IS RETAINED BY SPAIN, TRIAL CANNOT BE EXPECTED FOR ONE YEAR OR MORE THEREAFTER. IN THE COURT OF INSTRUCTION OF PUERTO DE SANTA MARIA, WHICH HANDLES MOST OF THE CASES INVOLVING US NAVAL PERSONNEL, NO CASES HAVE BEEN TRIED SINCE SEPTEMBER 1973. THE JUDGE WAS REASSIGNED IN APRIL 1974 AND HIS REPLACEMENT WAS NOT SCHEDULED TO ASSUME HIS DUTIES UNTIL 1 JUNE 1974.

THE ROTA COURT, WHICH HANDLES PARTIAL PROCESSING OF NEARLY ALL CASES INVOLVING US NAVAL PERSONNEL, HAS HAD NO PERMANENT SECRETARIAL HELP ASSIGNED FOR SEVERAL MONTHS.

SOME CASES IN MADRID COURTS HAVE BEEN PENDING FOR ABOUT TWO YEARS.

RECOMMENDATION

THAT THE MINISTER OF JUSTICE BE URGED TO INSURE THAT ALL COURTS GIVE PRIORITY TREATMENT TO CASES INVOLVING U.S. PERSONNEL IN SPAIN AND TO INSURE THAT THOSE COURTS WHICH ROUTINELY HANDLE LARGE NUMBERS OF SUCH CASES BE MANNED WITH SUFFICIENT ADMINISTRATIVE AND JUDICIAL PERSONNEL TO ACCOMPLISH THE REQUIRED PROCESSING IN AS SHORT A TIME AS POSSIBLE.

3. ADDITIONAL US POSITION PAPERS, SPANISH POSITION PAPERS AND ANY PROPOSED SPANISH AGENDA ITEMS WILL BE FORWARDED

AS SOON AS POSSIBLE.

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